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profile of claim 1, wherein step (b) comprises comparing the questionnaire information provided by the individual and information provided by laboratory studies to a health profile for a person of the individual's age and health history background in a computer database.

4. (Previously amended) The method/process of creating a dietary supplement profile of claim 1, further comprises adding a list of commercially available products that provide the dietary supplements listed to achieve optimal health and wellness.

5. (Original) The method/process of creating a dietary supplement profile of claim 1, further comprises adding a plan for weight management.

#### REMARKS

1. Claims 1-5 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 1-4 were rejected because "there is no direct description of comparing for differences to standardized profiles to achieve optimal health and wellness." In the original description filed on 11/22/1999 the questionnaire information was entered and stored in the computer database "where it is compared to a health profile for a person of the consumer's age and health history background. Based on this comparison, a dietary supplement profile 3 can be generated that calculates the consumers personal nutritional needs of vitamins, minerals, amino acids, enzymes, herbs and other nutritional supplements to achieve optimal health and wellness." (Page 2, lines 12-19). Claim 1(c) was amended to comply with this objection.

2. Claims 1-5 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 was amended to remove the phrases "and other items in the questionnaire" and "and other nutritional supplements." Step b of claim 1 compares the data in the questionnaire to that of

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a person of the consumer's age and health history background. Step c of claim 1 compares the differences noted to standardized profiles based on age, sex, physical activity, dietary habits, and past medical history in the computer database. The database for that individual may notice changes from prior data to arrive at a new profile. Claim 2 may note a change in physical signs such as an increase or decrease in blood pressure. Claim 3 may note a change in lab studies such as an increase in CRP. Claim 4 will then provide a different profile and suggested dietary supplements.

3. Claims 1-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Summerell et al (USPN 5,937,387) in view of Riley (USPN 5,976,568).

This rejection was thoroughly discussed in the Brief on Appeal pages 6-10 and Reply Brief pages 1-7.

**CONCLUSION**

For all the above reasons, Applicant submits that the claims are now in proper form, and that the claims all define patentable over the prior art. Applicant submits this application is now in condition for allowance, which action is respectfully petitioned.

Respectfully submitted,



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